

ENTERED

February 17, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

JEROME LEWIS LEITA,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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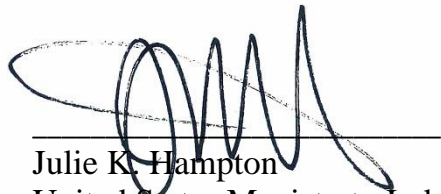
CIVIL ACTION NO. 6:21-CV-00059

OPINION AND ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

Petitioner requests appointment of counsel (D.E. 14). There is no constitutional right to counsel in federal *habeas* proceedings. *Johnson v. Hargett*, 978 F.2d 855 (5th Cir. 1992). Rule 8 of the Rules Governing § 2254 Cases requires that counsel be appointed if the *habeas* petition raises issues which mandate an evidentiary hearing, as an answer has not yet been filed by Respondent. At this point, there are no issues which mandate an evidentiary hearing.

Accordingly, petitioner's motion for appointment of counsel (D.E. 14) is **DENIED** without prejudice.

ORDERED on February 17, 2022.


Julie K. Hampton
United States Magistrate Judge